

State of Arizona
House of Representatives
Forty-eighth Legislature
Second Regular Session
2008

HOUSE BILL 2232

AN ACT

AMENDING SECTION 15-2001, ARIZONA REVISED STATUTES; REPEALING SECTION 41-3008.19, ARIZONA REVISED STATUTES; AMENDING TITLE 41, CHAPTER 27, ARTICLE 2, ARIZONA REVISED STATUTES, BY ADDING SECTION 41-3010.09; RELATING TO THE SCHOOL FACILITIES BOARD.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:
2 Section 1. Section 15-2001, Arizona Revised Statutes, is amended to
3 read:

4 15-2001. School facilities board; conflict of interest

5 A. The school facilities board is established consisting of the
6 following members who shall be appointed ~~by the governor pursuant to section~~
7 ~~38-211~~ in such a manner as to provide for approximate geographic balance and
8 approximate balance between public and private members:

9 1. One member **APPOINTED BY THE GOVERNOR PURSUANT TO SECTION 38-211** who
10 is an elected member of a school district governing board with knowledge and
11 experience in the area of finance.

12 2. One private citizen **APPOINTED BY THE PRESIDENT OF THE SENATE** who
13 represents an organization of taxpayers.

14 3. One member **APPOINTED BY THE GOVERNOR PURSUANT TO SECTION 38-211** with
15 knowledge and experience in school construction.

16 4. One member **APPOINTED BY THE GOVERNOR PURSUANT TO SECTION 38-211** who
17 is a registered professional architect and who has current knowledge and
18 experience in school architecture.

19 5. One member **APPOINTED BY THE GOVERNOR PURSUANT TO SECTION 38-211** with
20 knowledge and experience in school facilities management in a public
21 school system.

22 6. One member **APPOINTED BY THE GOVERNOR PURSUANT TO SECTION 38-211** with
23 knowledge and experience in demographics.

24 7. One member ~~who is a teacher and who currently provides classroom~~
25 ~~instruction~~ **APPOINTED BY THE PRESIDENT OF THE SENATE WITH EXPERTISE IN ENERGY**
26 **SAVINGS.**

27 8. One member **APPOINTED BY THE SPEAKER OF THE HOUSE OF REPRESENTATIVES**
28 who is a registered professional engineer and who has current knowledge and
29 experience in school engineering.

30 9. One member **APPOINTED BY THE SPEAKER OF THE HOUSE OF REPRESENTATIVES**
31 who is an owner or officer of a private business.

32 B. In addition to the members appointed pursuant to subsection A of
33 this section, the superintendent of public instruction or the
34 superintendent's designee shall serve as an advisory nonvoting member of the
35 school facilities board.

36 C. The ~~governor~~ **MEMBERS APPOINTED PURSUANT TO SUBSECTION A OF THIS**
37 **SECTION** shall appoint a chairperson from members appointed pursuant to
38 subsection A of this section.

39 D. Members of the school facilities board serve four year terms. The
40 school facilities board shall meet as often as the members deem necessary. A
41 majority of the members constitutes a quorum for the transaction of business.

42 E. The unexcused absence of a member for more than three consecutive
43 meetings is justification for removal by a majority vote of the board. If
44 the member is removed, notice shall be given of the removal pursuant to
45 section 38-292.

1 F. The ~~governor~~ ENTITY THAT MADE THE ORIGINAL APPOINTMENT shall fill a
2 vacancy by appointment of a qualified person as provided in subsection A of
3 this section.

4 G. Members of the board who are employed by government entities are
5 not eligible to receive compensation. Members of the board who are not
6 employed by government entities are entitled to payment of one hundred fifty
7 dollars for each meeting attended, prorated for partial days spent for each
8 meeting, up to two thousand five hundred dollars each year. All members are
9 eligible for reimbursement of expenses pursuant to title 38, chapter 4,
10 article 2. These expenses and the payment of compensation are payable to a
11 member from monies appropriated to the board from the new school facilities
12 fund.

13 H. Members of the school facilities board are subject to title 38,
14 chapter 3, article 8.

15 Sec. 2. Repeal

16 Section 41-3008.19, Arizona Revised Statutes, is repealed.

17 Sec. 3. Title 41, chapter 27, article 2, Arizona Revised Statutes, is
18 amended by adding section 41-3010.09 to read:

19 41-3010.09. School facilities board; termination July 1, 2010

20 A. THE SCHOOL FACILITIES BOARD TERMINATES ON JULY 1, 2010.

21 B. TITLE 15, CHAPTER 16 IS REPEALED ON JANUARY 1, 2011 ONLY IF EITHER:

22 1. THE BOARD HAS NO OUTSTANDING STATE SCHOOL FACILITIES REVENUE BONDS
23 ISSUED PURSUANT TO TITLE 15, CHAPTER 16, ARTICLE 6, NO OUTSTANDING SCHOOL
24 IMPROVEMENT BONDS ISSUED PURSUANT TO TITLE 15, CHAPTER 16, ARTICLE 7 AND NO
25 OUTSTANDING LEASE-TO-OWN TRANSACTIONS PURSUANT TO SECTIONS 15-2004, 15-2005
26 AND 15-2006.

27 2. THE LEGISLATURE HAS OTHERWISE PROVIDED FOR PAYING OR RETIRING ANY
28 OUTSTANDING STATE SCHOOL FACILITIES REVENUE BONDS, ANY OUTSTANDING STATE
29 SCHOOL IMPROVEMENT BONDS AND ANY OUTSTANDING LEASE-TO-OWN TRANSACTIONS.

30 C. IF NEITHER OF THE CONDITIONS IN SUBSECTION B HAVE OCCURRED BY
31 JANUARY 1, 2011, TITLE 15, CHAPTER 16 IS REPEALED THIRTY DAYS AFTER THE
32 RETIREMENT OF ALL REVENUE BONDS ISSUED PURSUANT TO TITLE 15, CHAPTER 16,
33 ARTICLE 6 AND ALL STATE SCHOOL IMPROVEMENT BONDS ISSUED PURSUANT TO TITLE 15,
34 CHAPTER 16, ARTICLE 7.

35 D. THE EXECUTIVE DIRECTOR OF THE SCHOOL FACILITIES BOARD SHALL INFORM
36 THE DIRECTOR OF THE LEGISLATIVE COUNCIL, IN WRITING, ON THE DATE THAT ALL
37 REVENUE BOND AND STATE SCHOOL IMPROVEMENT BOND OBLIGATIONS HAVE BEEN
38 SATISFIED.

39 Sec. 4. Retention of members

40 Notwithstanding section 15-2001, Arizona Revised Statutes, as amended
41 by this act, all persons serving as members of the school facilities board on
42 the effective date of this act may continue to serve until the expiration of
43 their normal terms.

1 Sec. 5. Incurring liabilities in excess of a school district
2 budget: emergency funding: definition

3 A. Notwithstanding any other law, in the event of an emergency for
4 which a school district requested and was refused funding from the school
5 facilities board pursuant to section 15-2022, Arizona Revised Statutes, for a
6 high school, the governing board of the school district may declare an
7 emergency and petition the county school superintendent, requesting authority
8 to incur liabilities in excess of the school district budget caused by the
9 emergency. The primary tax rate to fund the liabilities in excess of the
10 school district budget caused by the emergency is authorized for three years.
11 The governing board of the school district shall follow the procedures for
12 the truth in taxation notice and hearing prescribed in section 15-905.01,
13 subsection B, Arizona Revised Statutes.

14 B. The county school superintendent shall forward the petition and a
15 copy of the budget of the school district to the board of supervisors. The
16 board of supervisors shall hold a hearing on the petition within twenty days
17 after the receipt and shall determine whether the petition shall be allowed,
18 allowed after revision or denied. If the petition is allowed in whole or in
19 part, the governing board may incur liabilities pursuant to the allowed or
20 revised petition, and a copy of the order of the board of supervisors
21 authorizing the incurring of the liabilities shall be filed with the county
22 school superintendent. The county school superintendent, on presentation of
23 proper vouchers, shall draw warrants against the additional allowance. Any
24 liability incurred pursuant to this section shall be in addition to the
25 aggregate budget estimate of the school district for the succeeding year.

26 C. The portion of the primary tax rate to fund the liabilities in
27 excess of the school district budget caused by the emergency as provided in
28 this section shall not be included in the computation of additional state aid
29 for education prescribed in section 15-972, Arizona Revised Statutes.

30 D. For the purposes of this section, "emergency" means a need for
31 materials, services or construction or expenses in excess of the school
32 district's adopted budget for the current fiscal year, caused by carbon
33 dioxide levels in all or a significant portion of a school that are greater
34 than school facilities board standards for the difference between indoor and
35 outdoor concentrations of carbon dioxide, and that may be harmful to the
36 functioning of the school district, the preservation of property or public
37 health, and welfare and safety of students and faculty of a high school.

38 Sec. 6. Purpose

39 Pursuant to section 41-2955, subsection B, Arizona Revised Statutes,
40 the legislature continues the school facilities board to evaluate the school
41 capital needs of school districts and to distribute monies to school
42 districts in order to cure existing deficiencies, for building renewal and
43 for the construction of new facilities.

1 Sec. 7. Retroactivity

2 Sections 2 and 3 of this act are effective retroactively to July
3 1, 2008.

4 Sec. 8. Emergency

5 This act is an emergency measure that is necessary to preserve the
6 public peace, health or safety and is operative immediately as provided by
7 law.